

## REMARKS

Applicant respectfully requests reconsideration of this application as amended. Claims 1-10, 24-33, 49-52 and 65-86 are currently pending in this application. Claims 72-86 have been added and claim 68 has been amended. Support for claims 72-86 may be found at least in paragraphs 33, 36, 46, and 56 on pages 15, 17, 23, and 28, respectively, of the application as originally filed.

### *Claim Rejections - 35 U.S.C. §103*

Claims 1-10, 24-33, 49-52 and 65-71 were rejected under 35 U.S.C. 103(a) as being unpatentable over Amin, U.S. Patent 7,171,221 in view of Shaffer, U.S. Patent 6,477,374. Applicant does not admit that Amin is prior art and reserves the right to challenge the reference at a later date.

Amin teaches a system of forwarding incoming phone calls based on the proximity of two phones to one another, such as a desk phone and a cell phone. Amin predetermines a relationship between the two phones and automatically configures call forwarding on the phones as changes in their proximity are detected. When the cell phone moves away from the desk phone, the desk phone is forwarded to the cell phone. When the cell phone is near the desk phone, the cell phone is forwarded to the desk phone. Amin teaches the process of manually entering call transferring instructions is difficult and tiresome and that automatic forwarding is preferred.

Shaffer teaches a calendar system in which a user manually configures the user's location information according to time and day. By accessing the calendar system, the system determines whether to transfer an existing cell phone call from one wireless network to another wireless network. If the system, based on the calendar system, determines that the user has only briefly left a first wireless network and entered a second wireless network but will shortly return, the system does not transfer the call to

the second wireless network. If the system determines that the user has left the first wireless network for an extended period, the system will transfer the call to the second wireless network. When a new phone call to a user's desk phone is detected, the system determines, based on the calendar system and caller ID, whether the incoming call is authorized to be forwarded to the user's cell phone. Authorization is determined through the calendar system, in which the user manually configures where to forward the incoming call and what originating phone numbers are authorized to be forwarded.

Claim 1 claims configuring a call forwarding service of a first phone in response to a change in whether or not the first phone and a second phone are positioned with respect to each other according to a relation and in response to the current time.

Claim 24 claims automatically configuring a call forwarding service of a first phone in response to a change in whether or not the first phone and a second phone are positioned in the close relation with respect to each other, wherein configuring the call forwarded service is also in response to the current time.

Claim 49 claims automatically configuring a call forwarded service of a first phone in response to a change in whether or not the first phone and a second phone are positioned in a close relation and in response to the current time.

Examiner takes the position that it would have been obvious to one of skill in the art to combine the Amin reference with the Shaffer reference. However, the Amin reference explicitly states that determining a user's call forwarded preferences is difficult, and that it is difficult and tiresome for the user to manually configure the system with the information needed by the system to make that determination. (Amin, col. 1, ll. 34-40) Shaffer teaches precisely this: the user inputting location information and forwarding permission information. MPEP 2145 D.2 states that it is improper to combine references where the references teach away from their combination. Amin expressly teaches away from the system taught by Shaffer. Stated another way, the

purpose behind Amin is to avoid user entry of call forwarding preferences and the purpose behind Shaffer is to make call forwarding decisions based on user entries in the user's calendar; hence, combining Shaffer with Amin destroys the purpose behind Amin's system. Thus, the combination of Amin and Shaffer is improper and cannot render the invention as claimed obvious.

In light of the foregoing arguments Applicant respectfully submits that claims 1-10, 24-33, 49-52 and 65-71 are not unpatentable in view of Amin and Shaffer, and respectfully requests the Examiner withdraw the rejection under 35 U.S.C. 103(a).

Applicant directs the Examiner's attention to new dependent claims which add features not shown in the improper combination of Amin and Shaffer. For example, claims 77-79 and claims 84-86 add a feature relating to automatic configuration of a configurable device.

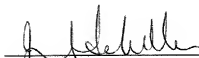
Applicant respectfully submits that in view of the amendments and arguments set forth herein, the applicable rejections have been overcome and the claims are in condition for allowance.

Please charge any shortages and credit any overcharges to our Deposit Account No. 02-2666.

Respectfully submitted,

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Dated: July 1, 2008



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